

Applicants: Christina Kabbash et al.
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REMARKS

Claims 1-26 and 41-57 are pending in the subject application. By this Amendment, applicants have canceled claims 13-59 and added claims 60-82. Applicants maintain that these amendments raise no issue of new matter. Accordingly, claims 1-12 and 60-82 will be pending upon entry of this Amendment.

Support for new claims 60-82 may be found, inter alia, on page 17, lines 5-25; page 18, line 15 to page 19, line 26; page 25, line 23 to page 26, line 16, and Figure 4 of the application as filed.

Restriction Requirement Under 35 U.S.C. §121

The Examiner stated that restriction to one of the following allegedly independent and distinct inventions is required under 35 U.S.C. §121:

- I. Claims 1-26, 41-46, and 48-57, drawn to methods of inhibiting growth of a bacterium, alleviating symptoms of a bacterial infection, altering a pathway of fatty acid synthesis in a bacterium, or determining whether a bacterium is sensitive as set forth in independent claims 1, 13, 41 and 48 wherein a compound having a 6-membered carbon containing ring is connected by an oxygen atom to (A)Q or (CR6R7)N; and
- II. Claim 47, drawn to a method of inhibiting growth of a bacterium using an enoyl reductase inhibitor.

In response to this restriction requirement, applicants hereby elect, with traverse, to prosecute at this time the invention of

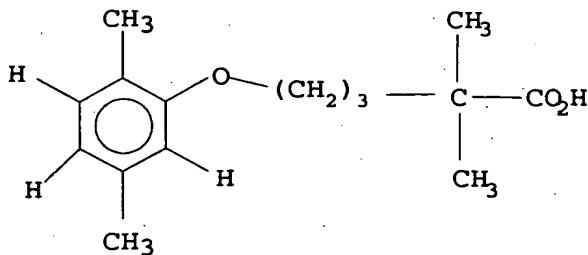
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Examiner's Group I, drawn to methods of inhibiting growth of a bacterium, alleviating symptoms of a bacterial infection, altering a pathway of fatty acid synthesis in a bacterium, or determining whether a bacterium is sensitive as set forth in independent claims 1, 13, 41 and 48. As the subject matter of new claims 60-82 falls within the Examiner's description of that of Group I, applicants understand that claims 60-82 will also be examined at this time.

Election of Species

On page 3 of the December 28, 2004 Office Action, the Examiner stated that claims 1-26 and 42-57 are generic to a plurality of disclosed patentably distinct species of compound. The Examiner stated that the compound may have the formulae as set forth in independent claims 1, 13, 41 and 48. The Examiner required applicants to elect a single disclosed species of compound for search purposes, even though this requirement is traversed.

In response, and without conceding the correctness of the Examiner's election requirement or functional characterization of the compounds recited in the claims, applicants hereby elect with traverse the species of gemfibrozil. The structure of gemfibrozil is as follows:



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The structure of gemfibrozil is encompassed by the chemical structures recited in claims 1-3, and 7-12. The use of gemfibrozil is also encompassed by new claims 60-82.

In view of the above, applicants respectfully request that the Examiner proceed to examine claims 1-12, and 60-82 on the merits at this time.

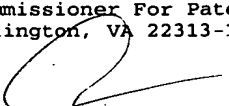
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the SIXTY DOLLAR (\$60.00) fee for a one-month extension of time, is deemed necessary in connection with the filing of this Amendment. If any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450 Arlington, VA 22313-1450,


Alan J. Morrison
Reg. No. 37,399

2/25/05
Date